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PTO/SB/05 (11/00)

Approved for use through 10/31/2002 OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Utility Patent Application Transmittal

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	BEH-7270 C12
First Inventor or Application Identifier	Western, et al.
Title	Detection of Nucleic Acids by Target-Catalyzed Product Formation
Express Mail Label No.	EK 608 365 272

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>71</u>] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed Sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s), (35 U.S.C. 113) [Total Sheets <u>2</u>] 5. Oath or Declaration [Total Pages <u>2</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR §1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below] i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data sheet. See 37 CFR 1.76 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> Paper Copy (copy from parent appl'n) c. <input type="checkbox"/> Statement verifying identity of the above copies
ACCOMPANYING APPLICATION PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input checked="" type="checkbox"/> 37 CFR §3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certification under 35 USC 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other:	

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/608,721
 Prior application information: Examiner J. Riley Group / Art Unit 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label)	or <input checked="" type="checkbox"/> Correspondence address below
NAME	Dade Behring Inc. Legal Dept. - Patents	
ADDRESS	1717 Deerfield, Rd., #778	
CITY	Deerfield	STATE IL ZIP CODE 60015-0778
COUNTRY	USA	TELEPHONE (contact) 847-267-5365 FAX 847-267-5376

Name (Print/Type)	Louise S. Pearson	Registration No. (Attorney/Agent)	32,369
Signature		Date	20 Nov 01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

11/20/01

JC639 U.S. PTO

JC621 U.S. PTO

09/989757

11/20/01

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 1202.00

Complete if Known

Application Number

Filing Date

First Named Inventor

Westerin et al.

Examiner Name

Group Art Unit

Attorney Docket No.

BEH-7270 C2

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
NumberDeposit
Account
Name
☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 14	14	252
6	-3** = 3	80	240
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 492.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)

Louise S. Pearson

Registration No.
(Attorney/Agent)

32,369

Complete (if applicable)

Telephone
Contact

847-267-5365

Signature

[Signature]

Date

20 Nov 01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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ER 606 365 272 for 20 NOV 01

CERTIFICATE UNDER 37 CFR 3.73(b)

COPY

Applicant: Western, et al.

Application No.: 09/608,721

Filed: June 30, 2000

Entitled: Detection of Nucleic Acids by Target Catalyzed Product Formation

Dade Behring Marburg GmbH, a German Corporation
(Name of Assignee) (Type Of Assignee)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: Western, et al. To: Syntex (USA)
The document was recorded in the Trademark Office at
Reel 7378, Frame 0485, or for which a copy is thereof is attached.
2. From: Syntex (USA) To: Behringwerke AG
The document was recorded in the Trademark Office at
Reel 7819, Frame 0122, or for which a copy is thereof is attached.
3. From: Behringwerke AG To: Behring Diagnostics GmbH
The document was recorded in the Trademark Office at
Reel 9168, Frame 0310, or for which a copy is thereof is attached.
4. From: Behring Diagnostics GmbH To: Dade Behring Marburg GmbH
The document was recorded in the Trademark Office at
Reel _____, Frame _____, or for which a copy is thereof is attached.
5. From: Dade Behring Marburg GmbH To: Dade Behring Inc
The document was recorded in the Trademark Office at
Reel 011204, Frame 0015, or for which a copy is thereof is attached.

☒ Copies of assignments or other documents in the chain of title are attached.

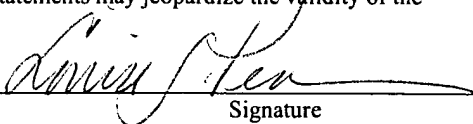
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on, information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

November 20, 2001

Date


Signature

Louise S. Pearson

Typed or printed name

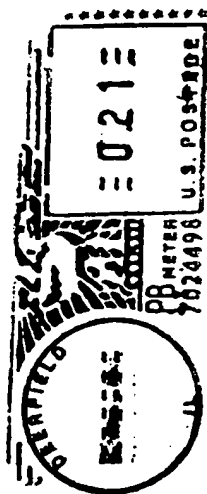
Attorney in Fact and Authorized Signatory

Title

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this transmittal and the documents referred to as attached herein are being deposited with the United States Postal Service on this 20th day of November, 2001 as addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box Issue Fee.


Darlene Rentschler



Dade Behring Inc.
Legal Department - Patents
1717 Deerfield Rd., Box 778
Deerfield, IL 60015-0778

PLEASE DATE STAMP AND RETURN

Appl: Western, Rose & Ullman

Serial No.: 08/363,169 (abnd)

08/691,627 (Pat #5,792,614)

09/015,949 (Pat #6,110,677)

09/440,363 (Pat #6,121,001)

09/608,721

Title: Detection of Nucleic Acids by Target-Catalyzed Product Formation

Atty Docket: BEH-7270 (family)

For the above-referenced application, enclosed please find:

- 1) Recordation Form Cover Sheet (Form PTO-1595) (1pg,3ccs);and
- 2) Copy of Name Change documentation in Germany.

Name Change: Behring Diagnostics GmbH to Dade Behring Marburg GmbH

10 Oct 01

COPY

Jc821 U.S. PTO

09/989757



Have not received confirming post card.

Considering the Post Office difficulties, hope you have received or will soon receive this filing.